



House of Representatives

File No. 585

General Assembly

February Session, 2022

(Reprint of File No. 18)

House Bill No. 5175
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 22, 2022

**AN ACT CONCERNING POLICE ACCESS TO INFORMATION
RELATIVE TO FIRE OR EXPLOSION LOSSES AND REQUIREMENTS
REGARDING SMOKE DETECTORS IN THE FIRE SAFETY CODE AND
AFFIDAVITS ON TRANSFER OF RESIDENTIAL PROPERTY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-318 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 (a) Any authorized agency may in writing request any insurance
4 company to release information relative to any investigation [it] the
5 insurance company has made concerning a loss or potential loss due to
6 fire or explosion of [suspicious] undetermined or incendiary origin
7 which shall include but not be limited to: (1) An insurance policy
8 relative to such loss, (2) policy premium records, (3) history of previous
9 claims, and (4) other relevant material relating to such loss or potential
10 loss.

11 (b) If any insurance company has reason to suspect that a fire or

12 explosion loss to its insured's real or personal property was caused by
13 undetermined or incendiary means, the insurance company shall
14 furnish any authorized agency with all relevant material acquired
15 during its investigation of the fire or explosion loss, cooperate with and
16 take such action as may be requested of [it] the insurance company by
17 the authorized agency and permit any person ordered by a court to
18 inspect any of its records pertaining to the policy and the fire or
19 explosion loss. [Such] The insurance company may request any
20 authorized agency to release information relative to any investigation it
21 has made concerning any such fire or explosion loss of [suspicious]
22 undetermined or incendiary origin.

23 (c) No insurance company, authorized agency or person who
24 furnished information on behalf of such insurance company or agency
25 [.] shall be liable for damages in a civil action or subject to criminal
26 prosecution for any oral or written statement made or any other action
27 taken that is necessary to supply information requested pursuant to this
28 section, unless there is fraud, actual malice or conduct relating to the
29 release of such information which constitutes a criminal act.

30 (d) Except as provided in subsection [(h)] (g) of this section, any
31 authorized agency receiving any information furnished pursuant to this
32 section shall hold the information in confidence until such time as its
33 release is required pursuant to a criminal or civil proceeding.

34 (e) Any authorized agency personnel may be required to testify as to
35 any information in the agency's possession regarding the fire or
36 explosion loss of real or personal property in any civil action in which
37 any person seeks recovery under a policy against an insurance company
38 for the fire or explosion loss.

39 (f) For the purposes of this section, (1) "authorized agency" means:
40 [(1)] (A) The State Fire Marshal or the local fire marshal when authorized
41 or charged with the investigation of fires or explosions at the place
42 where the fire or explosion actually took place, [; and (2)] (B) the
43 Insurance Commissioner, or (C) a federal, state or local law enforcement

44 officer when authorized or charged with the investigation of fires or
45 explosions at the place where the fire or explosion actually took place;
46 and (2) "insurance company" includes organizations issuing insurance
47 policies in this state pursuant to the provisions of section 38a-328.

48 [(g) For the purposes of this section, "insurance company" shall
49 include organizations issuing insurance policies in this state pursuant to
50 the provisions of section 38a-328.]

51 [(h)] (g) Any authorized agency provided with information pursuant
52 to subsection (a) or (b) of this section [,] may, in furtherance of its own
53 purposes, release any information in its possession to any other
54 authorized agency.

55 [(i)] (h) The provisions of this section shall apply to fire losses
56 occurring on or after October 1, 1979.

57 Sec. 2. Subdivision (1) of subsection (a) of section 29-292 of the 2022
58 supplement to the general statutes is repealed and the following is
59 substituted in lieu thereof (*Effective October 1, 2022*):

60 (a) (1) The State Fire Marshal and the Codes and Standards
61 Committee shall adopt and administer a Fire Safety Code and at any
62 time may amend the same in accordance with the provisions of section
63 29-292a. The code shall be based on nationally recognized model fire
64 and life safety codes and shall be revised as deemed necessary to
65 incorporate advances in technologies and improvements in construction
66 materials and any subsequent revisions to the model fire and life safety
67 codes not later than eighteen months following the date of first
68 publication of such revisions, unless the State Fire Marshal and the
69 committee certify that a revision is not necessary for such purpose. The
70 code shall provide for reasonable safety from fire, smoke and panic
71 therefrom, in all buildings, structures and areas adjacent to such
72 buildings and structures, except in private dwellings occupied by one
73 or two families and upon all premises. The code shall require [(1)] (A)
74 carbon monoxide detection and warning equipment in [(A)] (i) new
75 residential buildings not exempt under the code and designed to be

76 occupied by one or two families for which a building permit for new
77 occupancy is issued on or after October 1, 2005, and [(B)] (ii) all public
78 or nonpublic school buildings, and [(2)] (B) smoke detection and
79 warning equipment in [(A)] residential buildings designed to be
80 occupied by one or more families. [when a smoke detection and warning
81 system is installed or replaced, and (B) new residential buildings
82 designed to be occupied by one or more families for which a building
83 permit for new occupancy is issued on or after July 1, 2021, requiring in
84 buildings described in subparagraphs (A) and (B) of this subdivision,
85 equipment capable of operation using any power source permitted in
86 the standards adopted in the code.]

87 Sec. 3. Section 29-453 of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective October 1, 2022*):

89 (a) Prior to transferring title to any real property containing a
90 residential building designed to be occupied by one or two families, [for
91 which a building permit for new occupancy was issued prior to October
92 1, 2005,] the transferor of such real property shall present to the
93 transferee an affidavit certifying (1) [that such building permit for new
94 occupancy was issued on or after October 1, 1985, or] that such
95 residential building is equipped with smoke detection and warning
96 equipment complying with this section, the Fire Safety Code, the State
97 Fire Prevention Code and the State Building Code, and (2) that such
98 residential building is equipped with carbon monoxide detection and
99 warning equipment complying with this section or does not pose a risk
100 of carbon monoxide poisoning because such residential building does
101 not contain a fuel-burning appliance, fireplace or attached garage.
102 Nothing in the affidavit shall constitute a warranty beyond the transfer
103 of title.

104 (b) Any transferor who fails to comply with the provisions of
105 subsection (a) of this section shall credit the transferee with the sum of
106 two hundred fifty dollars at closing.

107 (c) Any smoke detection and warning equipment required pursuant

108 to subsection (a) of this section shall be:

109 (1) [be capable] Capable of sensing visible or invisible smoke
110 particles; [,]

111 (2) [be installed] Installed in accordance with the manufacturer's
112 instructions and in the immediate vicinity of each bedroom; [, and]

113 (3) [be capable] Capable of providing an alarm suitable to warn
114 occupants when such equipment is activated; [. Such equipment may be
115 operated using batteries.]

116 (4) Powered by the household electrical service, except such
117 equipment may be battery powered in a residential building for which
118 a building permit for new occupancy was issued prior to October 1,
119 1976;

120 (5) In a residential building for which a building permit for new
121 occupancy was issued on or after October 16, 1989, interconnected in
122 such a manner that the activation of the alarm on any smoke detection
123 and warning equipment in the residential building causes the alarm on
124 all smoke detection and warning equipment in such building to activate;
125 and

126 (6) In a residential building for which a building permit for new
127 occupancy was issued on or after May 1, 1999, located in all sleeping
128 areas.

129 (d) Any carbon monoxide detection and warning equipment
130 required pursuant to subsection (a) of this section shall be (1) [be]
131 capable of sensing carbon monoxide present in parts per million, (2) [be]
132 installed in accordance with the manufacturer's instructions, and (3) [be]
133 capable of providing an alarm suitable to warn occupants when such
134 equipment is activated. Such equipment may be operated using
135 batteries.

136 (e) The following shall be exempt from the requirements of
137 subsections (a) and (b) of this section: (1) Any transfer from one or more

138 coowners solely to one or more of the other coowners; (2) transfers made
139 to the spouse, mother, father, brother, sister, child, grandparent or
140 grandchild of the transferor where no consideration is paid; (3) transfers
141 pursuant to an order of the court; (4) transfers by the federal government
142 or any political subdivision thereof; (5) transfers by deed in lieu of
143 foreclosure; (6) any transfer of title incident to the refinancing of an
144 existing debt secured by a mortgage; (7) transfers by mortgage deed or
145 other instrument to secure a debt where the transferor's title to the real
146 property being transferred is subject to a preexisting debt secured by a
147 mortgage; and (8) transfers made by executors, administrators, trustees
148 or conservators.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2022</i>	38a-318
Sec. 2	<i>October 1, 2022</i>	29-292(a)(1)
Sec. 3	<i>October 1, 2022</i>	29-453

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill does not result in a fiscal impact to the state or municipalities as its provisions relate to 1) the disclosure of certain information from insurance carriers, 2) technical changes to fire code statutes, and 3) the contents of the affidavit related to smoke detection equipment provided by homeowners selling a one- or two-family residence prior to transferring the title.

House "A" adds technical changes to a fire code statute and changes to the affidavit required prior to certain title transfers, resulting in no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5175 (as amended by House "A")******AN ACT ALLOWING POLICE OFFICERS TO OBTAIN INFORMATION TO BE FURNISHED RELATIVE TO FIRE OR EXPLOSION LOSSES.*****SUMMARY**

This bill modifies various provisions about access to and the production of insurance company records relating to the company's investigation of certain property losses. Current law generally allows an "authorized agency," specifically, the Insurance Department commissioner and certain state and local fire marshals, to request the release of, and be furnished with, information from an insurance company's investigation into losses caused by fires of "suspicious" or incendiary origin. The bill amends the loss circumstances by (1) adding explosions and (2) replacing the term "suspicious" with "undetermined" (see BACKGROUND).

The bill expands the definition of "authorized agency" to include federal, state, and local law enforcement officers, allowing them to request the insurance company's information. Under the bill, to be considered an authorized agency these officers must be authorized or charged with investigating fires or explosions where the fire or explosion actually took place, just as state and local fire marshals must be as required under current law (§ 1).

Additionally, the bill changes the requirements for affidavits that a transferor of a one- or two-family residence must give a transferee addressing the residence's smoke detection and warning equipment ("smoke detectors"), among other things. It also expands the properties for which this affidavit must be provided to include any one- or two-family residence, instead of just those for which a new occupancy

building permit was issued before October 1, 2005 (§ 3).

Lastly, the bill specifies that the Fire Safety Code must require smoke detectors in single and multi-family residences (§ 2). It also makes several conforming and technical changes.

*House Amendment "A" adds the changes to transferors' affidavits and the Fire Safety Code.

EFFECTIVE DATE: October 1, 2022

§ 1 — INSURANCE COMPANY PROPERTY LOSS RECORDS

Requests by Authorized Agency

The bill allows an authorized agency to request, in writing, an insurance company to release information related to the company's investigation of a loss or potential loss due to fire or explosion of undetermined or incendiary origin. Current law allows an authorized agency to make this request only if the loss or potential loss is due to fire of suspicious or incendiary origin.

By law, an authorized agency may request an insurance company to release specified information, such as (1) an insurance policy relative to the loss, (2) policy premium records, (3) history of previous claims, and (4) other relevant material relating to the loss or potential loss.

Requirements on Insurance Companies

The bill requires an insurance company that suspects that a fire or explosion loss was caused by undetermined or incendiary means to share relevant material acquired during its investigation with authorized agencies, respond to requests from these agencies, and permit any court-ordered inspection of its records concerning the policy relative to the loss. Current law requires the company to take these actions only for a fire loss it suspects was caused by incendiary means.

Requests by Insurance Companies

Under the bill, an insurance company may ask an authorized agency to release information related to its investigation of fire or explosion loss

of undetermined or incendiary origin. Current law limits this to information related to a fire loss of suspicious or incendiary origin.

Testimony by Authorized Agencies

Under the bill, any authorized agency personnel may be required to testify in certain civil cases on information the agency has on an explosion loss, in addition to civil cases pertaining to a fire loss as current law requires.

§ 2 — SMOKE DETECTORS AND THE FIRE SAFETY CODE

Under current law, the Fire Safety Code must require smoke detectors in:

1. existing single and multi-family residences, regardless of when they were built, when a smoke detector is installed or replaced and
2. new single- and multi-family residences built on or after July 1, 2021.

The bill eliminates this distinction and other related conditions. It instead specifies that the code must require smoke detectors in single and multi-family residences.

The bill also eliminates a provision that the code must require that smoke detectors in these residences be capable of operating using any power source allowed in the standards adopted in the code.

§ 3 — SMOKE AND CARBON MONOXIDE DETECTOR AFFIDAVIT

Generally, under current law, before transferring title to a one- or two-family residence that received a new occupancy building permit before October 1, 2005, the transferor (e.g., seller) must either give the transferee (e.g., buyer) an affidavit certifying certain conditions or credit the transferee with \$250 at the closing. Currently, the affidavit must certify that the:

1. (a) building permit was issued on or after October 1, 1985, or (b) residence is equipped with smoke detectors that comply with specified requirements in the affidavit law (see below), and
2. residence is either (a) equipped with carbon monoxide detection and warning equipment that complies with the affidavit law's requirements or (b) does not pose a risk of carbon monoxide poisoning because it does not have a fuel-burning appliance, fireplace, or attached garage.

The bill eliminates the limitation that this affidavit only be provided for residences that received a new occupancy building permit before October 1, 2005. It further requires that the transferor's affidavit certify that the residence's smoke detectors comply with the Fire Safety Code, State Fire Prevention Code, and State Building Code. It correspondingly eliminates the current law's option to certify that the permit was issued on or after October 1, 1985, instead of certifying it complies with the affidavit law's requirements for smoke detectors.

Affidavit Law's Smoke Detector Requirements

As under existing law, the residence's smoke detectors must be:

1. able to sense visible or invisible smoke particles,
2. installed in accordance with the manufacturer's instructions and in the immediate vicinity of each bedroom, and
3. capable of providing an alarm suitable to warn occupants when activated.

The bill additionally requires:

1. for residences issued a new occupancy building permit on or after October 16, 1989, that their smoke detectors be interconnected so that the activation of one smoke detector alarm in the residence causes all the alarms for all its smoke detectors to activate, and

2. for residences issued a new occupancy building permit on or after May 1, 1999, that smoke detectors be in all sleeping areas.

Under current law, the smoke detectors may be battery-operated. The bill limits this allowance to residences issued a new occupancy building permit before October 1, 1976, and otherwise requires that all other residences have their smoke detectors powered by the household electrical service.

BACKGROUND

Fire and Explosion Distinction

By law, the crime of arson can involve either a fire or an explosion (e.g., first degree arson (CGS § 53a-111)).

Classification of Fire Causes

The Connecticut State Fire Prevention and Fire Safety Codes are generally based on codes published by the National Fire Protection Association (NFPA). NFPA's *Standard Classifications for Fire and Emergency Services Incident Reporting* classifies ignition causes as (1) intentional, (2) unintentional, (3) failure of equipment or heat source, (4) act of nature, (5) cause under investigation, and (6) cause undetermined after investigation (NFPA 901 § 17.5.1.2 (2021 ed.)).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 24 Nay 0 (03/03/2022)